

FILED IN OPEN COURT
ON 5-21-09
Dennis P. Javarone, Clerk
US District Court
Western District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09cr149-1 (3)
NO. 5:09cr149-2 (3)

UNITED STATES OF AMERICA

v.

JAMES CLEVELAND VICK
DAVID LEE RICHARDSON

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INDICTMENT

The Grand Jury charges that:

COUNT ONE

Beginning on a date unknown to the Grand Jury, but no later than in or about July, 2008 and continuing thereafter until at least December 4, 2008, in the Eastern District of North Carolina, JAMES CLEVELAND VICK and DAVID LEE RICHARDSON, the defendants herein, did knowingly, and intentionally combine, conspire, confederate and agree with each other and others both known and unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute fifty (50) grams or more of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about November 7, 2008, in the Eastern District of

North Carolina, JAMES CLEVELAND VICK and DAVID LEE RICHARDSON, the defendants herein, aiding and abetting each other, did distribute fifty (50) grams or more of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

On or about November 18, 2008, in the Eastern District of North Carolina, JAMES CLEVELAND VICK, the defendant herein, did distribute fifty (50) grams or more of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about December 4, 2008, in the Eastern District of North Carolina, JAMES CLEVELAND VICK, the defendant herein, did distribute fifty (50) grams or more of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

CRIMINAL HISTORY ALLEGATIONS

As to the Criminal Indictment, for purposes of Title 21, United States Code, Sections 841(b) and 851, the defendant JAMES CLEVELAND VICK committed the violations alleged in the Criminal Indictment after two prior felony drug convictions, as defined in Title 21, United States Code, Section 802(44), had become final.

FORFEITURE NOTICE

Upon conviction of the controlled substance offense alleged in Counts One through Four of this Indictment, defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL

FOREPERSON

DATE: 5

GEORGE E.B. HOLDING
United States Attorney

Rebecca W. Holt

BY: REBECCA W. HOLT
Special Assistant United States Attorney